

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

SHIRLEY A. CARPIN, as Executor of the
Estate of SHIRLEY A. HILSTER, deceased,
and CHARLES W. HILSTER, JR.,
individually,

No. 2:20-cv-01537

Plaintiff,

vs.

A.O. SMITH CORPORATION, et al.,

Defendants.

PROPOSED ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 2022, upon consideration of the Motion for Summary Judgment and Memorandum in Support filed for and on behalf of The William Powell Co., and any response thereto, it is hereby ORDERED, ADJUDGED AND DECREED that said Motion is GRANTED. Pursuant to Fed. R. Civ. P. 56(a), this Court finds that there is no genuine dispute as to any material fact and that The William Powell Co. is entitled to judgment as a matter of law. The undisputed facts of record establish that Charles Hilster was not exposed to airborne asbestos fibers from any product of the Defendant. The Court further finds that there is insufficient evidence from which a jury could conclude that Defendant's products caused Shirley Hilster's injury. Brown v. Ely Lilly & Co., 654 F.3d 347, 358 (2d Cir. 2011); Paquin v. Crane Co., 2017 U.S. Dist. LEXIS 48854, 2017 WL 1217094 at *3 (D. Conn. Mar. 31, 2017).

Judgement shall be entered in favor of Defendant The William Powell Co. on the entirety of Plaintiffs' Complaint and all Amendments thereto. Plaintiffs' Amended Complaint and all claims against The William Powell Co. are hereby dismissed with prejudice.

BY THE COURT:

_____.J.